

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

PRESTON TUCKER BAUMANN,

Defendant.

CR 21-56-BLG-DLC

ORDER

United States Magistrate Judge Timothy J. Cavan entered Findings and Recommendations in this matter on July 1, 2021. (Doc. 34.) Neither party objects and so the Court will review for clear error. *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003); *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000) (citations omitted).

Judge Cavan recommended this Court accept Defendant Preston Tucker Baumann’s guilty plea after Baumann appeared before him pursuant to Federal Rule of Criminal Procedure 11 and entered a plea of guilty to Counts I and II of the Indictment, which charges the crimes of prohibited person in possession of a firearm, in violation of 18 U.S.C. §§ 922(g)(1) and (9). The Court finds no clear

error in Judge Cavan's Findings and Recommendation and adopts them in full.

The Court will defer acceptance of the Plea Agreement until sentencing when the Court will have reviewed the Plea Agreement and Presentence Investigation Report.

Accordingly, IT IS ORDERED that the Findings and Recommendations (Doc. 34) is ADOPTED in full.

IT IS FURTHER ORDERED that Baumann's motion to change plea (Doc. 17) is GRANTED and he is adjudged guilty as charged in Counts I and II of the Indictment.

DATED the 9th day of November, 2021.



Dana L. Christensen, District Judge
United States District Court